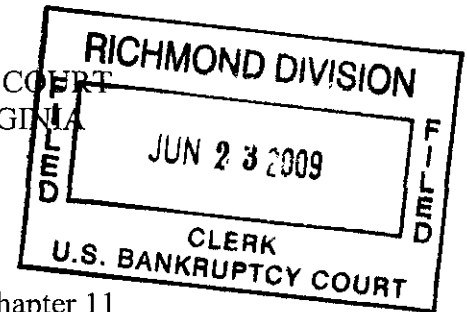


IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



In re:

Chapter 11

CIRCUIT CITY STORES, INC et al

Case No: 08-35653 (KRH)

Debtors

Jointly Administered

CLAIMANTS "RESPONSE"
TO DEBTORS EIGHTH OMNIBUS OBJECTION TO CERTAIN LATE CLAIMS

2. As claimant #11481 Miss Gloria E. Scarnati I have an unsecured amount against the Debtors for \$1439.09 for the injury I sustained on September 12,08 when the Debtors delivered a used reconditioned broken T.V to my home instead of a new one I had paid for, please see (Exhibit A). These Debtors very arrogantly refused to honor the Protection Plan which was also purchased (Exhibit A) even though they are still operating. I believe these actions of the Debtors was to intentionally commit this fraud and they believed they could get away with it because they were getting ready to file for Bankruptcy but didn't tell the customers this fact which would mean they signed customers on to Protection Plans they had no intention of satisfying, this is downright Consumer Fraud and Theft.

I intend to file Criminal Charges for theft against the Debtors if I do not receive the amount of my claim. The amount of my Claim was the price of a new T.V with VCR & DVD player like the one I had purchased but never received.

3. I am asking this Court not to sustain the Debtors objections in my case because of these facts and the following:

A. I did not file my claim late as has been stated by these Debtors counsel because of the fact that I had already filed a small claims case against them for this claim which I filed on January 13, 2009 which **stays** the Statute of Limitations from running, please see (Exhibit B). The Court being backlogged did not docket it until February 10, 2009, (Exhibit C) and the hearing was scheduled to be heard on April 8, 2009 at 2:00 p.m. in Magistrate John Bovas' office in Pittsburgh.

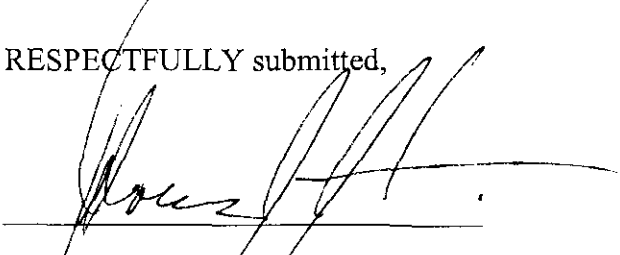
B. However, on February 22, 2009 I received a Court Document from Kevin Halverson Paralegal (Exhibit D) that on November 10, 2008 the Debtors had filed Chapter 11 the Notice of Operation Of Automatic Stay was signed by Francis Telegadas on February 19, 2009. This document stated I had to first seek relief in Bankruptcy Court by filing a Claim Form, which I did. I contacted the Court & requested a Claim Form but didn't get it until 2 weeks later. I signed the Claim Form on February 16, 2009 and mailed it by Certified Mail/Return Receipt Requested to Kurtzman Carson ("KCC") agent for the Debtor on February 24, 2009 whereby they received it on February 26, 2009.

3. I believe I did every task in a timely manner & furthermore if the Claim period for non-

governmental claims had expired why did the Court send me the Claim form? As stated in #2 above my Small Claims Court Complaint signed on January 13, 2009 **stays** the Statute of Limitations running and meets the deadline requirements of January 30, 2009 to seek compensation for the injury I sustained by the Debtors actions.

4. If my claim is denied and dismissed I will seek legal counsel about any other action which can be taken in my case. Should this Court require any other documents please send me notice. However the Court has the claim form I filed already on file so I am not aware of any other documents that could be needed for my case other than the ones I have enclosed as exhibits. I do not have an e-mail address. I can only be contacted by mail. Lastly I request this Court allow me to submit any further copies to one office of Skadden etc since sending copies to 2 of their offices is a financially burden for me. Million dollar attorney firms should be able to make copies for their other offices and e-mail and fax.

RESPECTFULLY submitted,



Miss Gloria E. Scarnati, Claimant #11481
3567 Mountain View Drive #119
Pittsburgh PA 15122-2447

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of my "Response" was served upon the Debtors Counsel for this case by U.S First Class Mail postage paid by Claimant and addressed as follows:

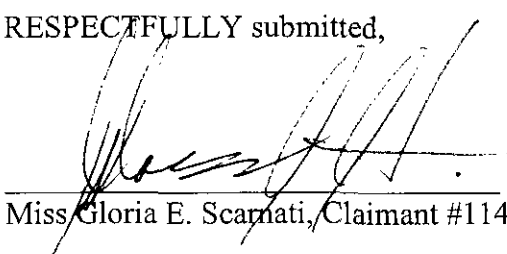
Skadden,ARPS, Slate, Meagher
& Flom, LLP
One Rodney Square
PO Box 636
Wilmington DE 19899-0636
Attn: Gregg M. Galardi

Mcguirewoods LLP
One James Center
901 E. Cary Street
Richmond VA 23219
Attn: Dion W. Hayes
Attn: Douglas M. Foley

Skadden, ARPS, Slate, Meagher
& Flom, LLP
333 West Wacker Drive
Chicago, IL 60606
Attn: Chris L. Dickerson

DATED: 
June 17, 2009

RESPECTFULLY submitted,



Miss Gloria E. Scarnati, Claimant #11481



Circuit City Stores, Inc.

Store 3017
W. 4TH ST. N. PA. TEL: 717.255.169

21:13:44 03/24/0

Sold to: Orig. Date: 03/24/0

GEORGE L. BARNETT
4111 40TH AVE.
BALTIMORE, MD 21207-2000

CUSTOMER COPY
REPRINT

Ticket
361702084075

| Item | Qty | Model | Description | Pay | Amount |
|------|-----|---------------|------------------|-----|--------|
| 1 | 1 | PAN-PVDM2794 | 25" LCD TV/PCR | Y | 299.99 |
| 2 | 1 | Cityadvantage | Protection Plan | Y | 154.99 |
| 3 | 1 | BLV Delivery | Delivery & Setup | Y | 86.99 |

Total Taxable \$ 524.97
Sales Tax \$ 36.75
TOTAL PURCHASE \$ 561.72
BALANCE \$ 0.00

For manufacturer contact information, please refer to your owner's manual or visit circuitcity.com

Notes

- ** THIS IS NOT AN ORIGINAL TICKET - REPRINT
- ** The Cityadvantage Protection Plan for Home and Car Electronics (ESP) for the PAN PVDM2794 starts 03/26/05 and expires 03/26/10. For service, call 1-888-333-2333. Refer to the Comprehensive Service Guide for information and terms and conditions.

- ** Our delivery team is scheduled to deliver your items 1, 2 on 03/26/05.
- ** This sales receipt and the accompanying terms and conditions constitute your Cityadvantage Protection Plan.

Title

It is expressly agreed that transfer of title of merchandise to customer and commencement of any manufacturer warranty shall occur upon actual physical transfer of possession of goods to customer.

You may be eligible to earn Circuit City Reward Points. Apply for a Circuit City Rewards Credit Card today. See a store associate for details.

Return Guarantee

If you're not completely satisfied with a product, Circuit City will gladly exchange or refund your purchase within 30 days of the sale date, except as noted below.

- * Digital cameras, camcorders, desktop PCs, notebook PCs, monitors, printers, scanners, and radar detectors must be returned within 14 days of the sale date and receipt of original packaging.

CIVIL COMPLAINT

Mag. Dist. No.:

05-2-18

MDJ Name: Hon.

JOHN N. BOVA

Address: **WALLACE SCHOOL BUILDING
41 MACEK DRIVE
PITTSBURGH, PA 15227**

Telephone: **(412) 881-1996**

PLAINTIFF:

NAME and ADDRESS

Miss Gloria Scarnati
Mailing address only: 3567 Mountain
View Dr #119
L Pittsburgh PA 15122-2447
VS.

DEFENDANT:

NAME and ADDRESS

Def #1 Circuit City Stores Inc ET AL
Def #2 Justin Flook ET AL
9950 Mayland Drive
L Richmond VA 23233

| | AMOUNT | DATE PAID |
|---------------|--------------|--------------------|
| FILING COSTS | \$ _____ | ____/____/____ |
| POSTAGE | \$ _____ | ____/____/____ |
| SERVICE COSTS | \$ _____ | ____/____/____ |
| CONSTABLE ED. | \$ _____ | ____/____/____ |
| TOTAL | \$ _____ | ____/____/____ |

Docket No.: 08-64-09
Date Filed: 2-10-09



Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1439.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated): After plaintiff purchased a new 27" screen Panasonic T.V. with a DVD/VHS players and a Protection Plan from defendants defendants delivered a defective reconditioned(repaired)T.V.to plaintiffs Brentwod residence instead. Plaintiff reported problems to defendants within first 2 days but defendants denied set was defective or reconditioned. Then the DVD player broke & since defendants couldn't fix it plaintiff was entitled under the protection plan to get a new T.V. Defendants breached the protection plan terms by refusing to replace what plaintiff had before. Defendants wanted to downgrade the screen size & refused to give plaintiff a DVD/VHS players altogether causing injury to plaintiff because she is without a DVD player & a properly working T.V. since September 12, 08. BBB stated company has 7305 complaints against it & federal gov took action against co in April 08. Cost for plaintiff to replace what she had is the amount of suit above.

I, Gloria Scarnati verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney:

None

Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **ALLEGHENY**

**CIVIL ACTION
HEARING NOTICE**

Mag. Dist. No.:

05-2-18

MDJ Name: Hon.

JOHN N. BOVA
Address: **WALLACE SCHOOL BUILDING**
41 MACEK DRIVE
PITTSBURGH, PA
Telephone: **(412) 881-1996 15227**

PLAINTIFF:

NAME and ADDRESS

SCARNATI, MISS GLORIA
3567 MOUNTAIN VIEW APT/STE 119
WEST MIFFLIN, PA 15122-2447

VS.

DEFENDANT:

NAME and ADDRESS

CIRCUIT CITY STORES INC ET AL, ET A
9950 MARYLAND DRIVE
RICHMOND, VA 23233

MISS GLORIA SCARNATI
3567 MOUNTAIN VIEW APT/STE 119
WEST MIFFLIN, PA 15122-2447

Docket No.: **CV-0000064-09**
Date Filed: **2/10/09**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

| | |
|----------------------|---|
| Date: 4/08/09 | Place: DISTRICT COURT 05-2-18 WALLACE SCHOOL BUILDING 41 MACEK DRIVE PITTSBURGH, PA 15227 412-881-1996 |
| Time: 2:00 PM | |

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

Pursuant to Pa.R.C.P.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.


If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

Debtors' bankruptcy cases are being jointly administered under In re Circuit City Stores, Inc., Case No. 08-35653 (E.D. Va.). As a result of the filing, any further action against the Debtors is stayed under Bankruptcy Code section 362.

PLEASE BE FURTHER ADVISED that any action taken against the Debtors or their property without first obtaining relief from the automatic stay from the Bankruptcy Court may be subject to findings of contempt and the assessment by the Bankruptcy Court of penalties, fines, and/or sanction, as may be appropriate.

Dated: February 19, 2009
Richmond, Virginia

Respectfully submitted,


Francis E. Telegadas
V.S.B. 25028
Director and Assistant General
Counsel
Circuit City Stores, Inc.
9950 Mayland Drive
Richmond, VA 23233-1464

Tel: (804) 486-4895
Fax: (804) 486-8248
Attorneys for the Debtors